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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 LAWRENCE J. GERRANS,
a/k/a LARRY GERRANS,

18 Defendant.

) CASE NO. 3:18-CR-00310 EMC
)
)

) **UNITED STATES' REQUEST FOR INQUIRY**
) **INTO THE AUTHENTICITY OF EXHIBIT 1 TO**
) **THE OCTOBER 26, 2020 DECLARATION OF**
) **SHAWN HALBERT (Dkt 303-1)**
)

) Date: November 4, 2020
) Time: 9:30 a.m.
) Honorable Edward M. Chen
20 Courtroom 9, 19th Floor

On September 22, 2020, defendant's attorney, Shawn Halbert, emailed the government and the probation officer an addendum to the July 16, 2020 report prepared by psychologist Dr. Teo Ernst, ("Ernst") analyzing the defendant's risk for violence. The version that was transmitted to the government was signed and dated by Ernst and is attached hereto as Exhibit A. On October 26, 2020, Ms. Halbert filed a declaration with the Court under penalty of perjury stating: "Attached hereto as Exhibit 1 is the Addendum to the Forensic Psychological Evaluation of Larry Gerrans by Dr. Teo Ernst." Dkt 303. Exhibit 1 to Ms. Halbert's declaration is not signed by Ernst nor dated. Exhibit 1 to Ms. Halbert's declaration (Dkt 303-1), also deletes and alters many aspects of the the signed and dated Ernst Addendum (Exhibit A). We have highlighted on Exhibit A these deletions which include excising two entire paragraphs from the version that Ms. Halbert attached as Exhibit 1 to her declaration. A simple side by side comparison of the two versions of the Ernst Addendum (Exhibit A versus Exhibit 1, Dkt 303-1) shows that the version given to the Court contains numerous substantive omissions. Notably, the version provided to the Court (Dkt 303-1) removes Ernst's conclusion: "Nevertheless, were it factually accurate that Larry intentionally proposed a plan to Chris to commit violence against Ms. Harris, this would clearly increase his violence risk to a high level." *See* Exhibit A, highlighted section.

The lack of Ernst's signature on Exhibit 1 and the significant substantive discrepancies occasioned by the deletion of two lengthy paragraphs from the Exhibit 1 Addendum raises serious questions about whether Exhibit 1 (Dkt 303-1) is an authentic document. Accordingly, at the upcoming sentencing and before the Court considers any aspect of the Ernst report, we respectfully request the Court to conduct an inquiry about why a materially different and seemingly altered version of the Ernst Addendum was submitted to this Court by defense counsel. We further request the Court to inquire as to whether Ms. Halbert or anyone else on the defense team altered Ernst's Addendum.

DATED: November 2, 2020

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

/s/
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